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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
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SANDRA K. HARRIS, CLERK
BY: Ivy Rios

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

PI300CR201001325

STATE OF ARIZONA,)	VP1300CR201001325
)	
Plaintiff,)	Reply:
)	MOTION TO DISMISS FOR
vs.)	PROSECUTORIAL MISCONDUCT <i>or</i>
)	MOTION TO DISQUALIFY THE
STEVEN DEMOCKER,)	YAVAPAI COUNTY ATTORNEY'S
)	OFFICE
Defendant.)	
)	
)	(Hon. Warren Darrow, David Mackey)

The Defendant, by and through undersigned counsel, hereby Replies to the State's Response, re: Motion to Dismiss for Prosecutorial Misconduct *or* Motion to Disqualify the Yavapai County Attorney's Office. Having considered the state's Response, the Defendant respectfully requests that the Court DISMISS the above-captioned case with prejudice, for prosecutorial misconduct, Due Process Violations, and possible ethical violations. Given the extreme amount of materials involved, the Defense requests a page-limit waiver for this Reply.

1). **The state Confessed to Committing the Outrageous and Illegal Invasions Alleged in the Defendant's Motion to Dismiss.**

In its Response, the state absolutely settled the matter for this Court, making dismissal the justifiable consequence, and at least a disqualification of the Yavapai County Attorney a mandatory sanction, with the following confessions:

"The State concedes that its employees viewed and/or printed the subject documents as stated in the two reports from the Clerk of the Yavapai County Superior Court"

(Response, pg. 2).

"... the State accessed documents that it was not supposed to have access to"

(*Id.*, pg. 10).

Fields said that he did review ex parte documents in the DeMocker case ... Fields said he thought *he could recall reporting to Paupore to [sic] that some of the DeMocker records he reviewed dealt with ex parte information* dealing with cost issues, and Paupore replied he did not want to know any ex parte information, that any information of that type needed stay in the Civil Division.

("Yavapai County Attorney's Office Investigative Report," pg. 17).

"In its Response, the State admitted the employees identified in the defendant's request for disclosure viewed and or printed some of the subject documents."

(Response to Request for Disclosure, pg. 2).

The Yavapai County Attorney's Office has been preaching to Yavapai County defendants for decades that they must "accept responsibility" for their actions. This includes requiring any defendant to provide a factual basis -- a confession -- before a plea offer can be accepted. Any attempt by a defendant to minimize his/her behavior is met with strict condemnation from the County Attorney. It is interesting, then, when it came time for the Yavapai County Attorney to "accept responsibility" for its behavior -- for which they were caught red-handed -- and provide its factual basis to this Court in its Response, the County Attorney did nothing but waffle, minimize and blame others.

An immutable fact remains:

The state illegally viewed and printed ex parte pleadings using the OnBase system!

And not just a little. Not by accident. Not inadvertently.

The Yavapai County Attorney has taken the position that

"... there is a general and reasonable assumption that if you have access, then you may look at the document," and "there was no obvious indication that the staff understood that they were accessing privileged information. Most of them access sealed information on a regular basis." (Response, pg. 3).

This statement flat-out ignored that sealed, ex parte documents were spied on -- and printed -- by the Yavapai County Attorney. This begs the question: If the Yavapai County Attorney feels no obligation to follow court orders sealing ex parte documents, how many other cases have the Yavapai County Attorney been spying on? And for how long?

Incredibly, in defense of its illegal actions, the state has dredged up "plausible deniability."

"Plausible deniability refers to the denial of blame in loose and informal chains of command where upper rungs quarantine the blame to the lower rungs, and the lower rungs are often inaccessible, meaning confirming responsibility for the action is nearly impossible. In the case that illegal or otherwise disreputable and unpopular activities become public, high-ranking officials may deny any awareness of such act or any connection to the agents used to carry out such acts.¹"

Looking at the list of County Attorney employees that viewed and printed the sealed ex parte documents, there are no supervisors on that list, and the County Attorney is very hesitant to reveal who was supervising whom. Thus, there is a denial of blame at the County Attorney due to its own atmosphere, created with an invisible chain of command, where the upper rungs quarantine the blame to the lower rungs. It strains credulity, however, that the leadership did not know exactly what was happening.

In its Response, the state stated the following:

"Defendant's Motion is clearly emotionally charged but it is based upon a

¹Source: http://en.wikipedia.org/wiki/Plausible_deniability

fundamental misunderstanding of the facts as well as the law."

(Response, pg. 1).

First, there is no "fundamental misunderstanding" of anything here. The state did exactly what we accused them of doing. But, they never told anyone about it. And then they got caught. And then they blamed everyone else. The case should be dismissed as a result.

Secondly, yes, we are emotionally charged. The state desperately wants to put Steve DeMocker in prison -- for life -- but without any regard for the Arizona or U.S. Constitutions, Due Process of Law, Court Orders, the Arizona Rules of Ethics, or traditional notions of fair play and substantial justice. The state's actions in this case ought to shock any person of conscience.

It is worse than just the fact that the state got caught illegally invading, viewing and printing the Ex Parte documents a total of 60 times. But for Judge Mackey's Order with the Clerk's Reports attached, *none of this would have ever been known!* The state never had an intention of volunteering -- as required by the law, its ethical obligations or just plain old decency -- any of the information contained in the Clerk's Reports. The state thought they were justified illegally invading, viewing and printing the Ex Parte documents a total of 60 times. Because the state did not approve of the Court's Orders, they just took what they wanted.

2). The state: "It is Everyone Else's Fault."

Much of the state's Response can be summed up this way: "Yes, we confess to viewing and printing sealed ex parte documents, but it was the Yavapai County Management Information System's ("MIS") fault, *and* it was the Clerk of Courts' fault, *and* it was Judge Lindberg's fault, *and* it was the Defense's fault."

The state had this to say about MIS and the Clerk's Office:

"The viewing/printing rights are granted by the Clerk's Office and then put in

place by MIS. Therefore, if the Clerk's Office marks a document in a certain fashion and a division has computer access rights to that type of document, *then that document will automatically be "viewed" and printed by support staff as part of their daily routine.*"

"... there appears to have been a *computer programming oversight* because those access rights gave the Civil Division (i.e. Attorney Jack Fields) access to documents that were not accessible to the prosecution team ...

(Response, pg. 2-3, italics added).

"Although the State accessed documents that it was not supposed to have access to, the mistake was unintentional and was done through procedures not set up by YCAO but rather the Clerk of the Court."

(Id., pg. 10).

These statements do not make sense. First, this assumes a free-for-all at the County Attorney's Office, where there is no supervision nor oversight as to what documents are being viewed and/or printed. Ever. As noted above, this is a *plausible deniability*, an invisible chain of command, where the upper rungs quarantine the blame to the lower rungs. However, this automatically runs afoul of the YCAO attorneys' duties per Arizona Rules of Professional Conduct, Ethical Rule (E.R.) 5.3. (see: discussion of E.R. 5.3, quoted in the original Motion to Dismiss).

No one could believe that anything done by the Yavapai County Attorney in "THE DEMOCKER CASE" -- as it is commonly called -- was ever merely part of a "daily routine." For instance, Barbara Genego, YCAO Legal Clerk allegedly described to Investigator Jimmy Jarrell how the Democker case materials were handled:

She described how she handled DeMocker records as "... hit and run, get it to Rhonda ...," i.e. as soon as she recognized a record as related to the DeMocker case, *she immediately hand carried it to the assigned Paralegal.*

(YCAO Investigative Report, hereinafter "Jarrell Report," pg. 4, italics added).

The state's Response attempted to evade the fact that ex parte documents had been viewed and printed by its employees, with selective memory loss:

Genego did not specifically remember viewing any of the documents listed under her name in Williams' motion, *but said it was possible*, since her job was to retrieve all records in OnBase and, if the Court Clerk's Office had included those particular records in OnBase in the records made available to YCAO, she may very well have accessed them as part of her regular duties.

(*Id.*)

The phrase "as part of his/her regular duties" is an important red herring in the state's Response. If a task that exposed (and sometimes caused to be printed) ex parte documents was "as part of regular duties," then the employee is merely a drone, and not a spy. But that claim is absolute nonsense. There is an obsessive/compulsive urgency in the County Attorney's Office about "the Democker case." The actual "regular duty" was illegally gathering information about the ex parte documents and proceedings.

The sheer number of County Attorney employees viewing and printing sealed and ex parte documents in this case renders any claim of a "daily routine," or "regular duty" meaningless and intentionally misleading.

The state confessed that Jack Fields told Jeff Paupore that some of the DeMocker records he reviewed dealt with ex parte information, and that Paupore said that he did not want to know any ex parte information, that any information of that type needed stay in the Civil Division. (*supra*). Fields is supervised by YCAO Chief Deputy Dennis McGrane (who has filed important pleadings in this case *including the Response that this Reply addresses*). Attorney Fields -- who had seen 14 sealed ex parte documents over a year-long period -- could not have been completely unaware of E.R.s 3.4, 3.8, 5.3 and 8.4. Fields' supervisor(s) could not have been completely

unaware of E.R.s 3.4, 3.8 ,5.3 and 8.4.

Those E.R.s just were not important to the County Attorney in the big picture, because of its obsessive/compulsive dislike of the Court's Order's regarding the ex parte process.

Mr. Fields is an employee of the County Attorney, and an agent of that agency. See: ARS §38-462(A). The Yavapai County Attorney is responsible for and may have directed Attorney Fields' actions. The state's position in its Response, however, was that Attorney Fields was merely acting in his capacity as a "press agent."

Mr. Fields viewing of the Democker OnBase file was for the purpose of responding to public record requests and the requests to unseal the Clerk's record pursuant to the motions filed by the interpleaders. *His viewing and/or printing of the subject records were necessary in the fulfillment of his duties.*

(Response, pg. 3, italics added).

This does not make sense. Attorney Fields had to illegally access sealed, ex parte documents as part of his duties? And then advocate for the Sheriff in court, on this case? The Defense ex parte filings clearly denoted "**EX PARTE, IN CAMERA, UNDER SEAL**" on the face of the pleading. (Emphasis in the originals, attached to Original Motion to Dismiss). Fields had to have ignored his ethical duties, per E.R.s 3.4, 3.8 ,5.3 and 8.4, in order to examine these documents. And, it is a preposterous position that an attorney with 20 years experience² like Fields would look at sealed ex parte documents 14 times in a year, but not be able to tell that he was ethically bound not to.

An important document, which was not addressed by the state in its Response, was the last ex parte document viewed by Mr. Fields on September 17, 2010: "Notice: Filing Transcript,

²The Arizona State Bar states that Mr. Fields was admitted to practice in 1987, admitted to the State Bar of Arizona May 20, 1989.

Ex Parte filed by defense," which stated "EX PARTE, UNDER SEAL" on the face sheet, and the transcript was attached, clearly titled: "7/10/2009 Hearing - Ex Parte - UNDER SEAL."

By no stretch of the imagination could the state claim Attorney Fields was *required to* illegally access this sealed ex parte transcript as part of his duties. By no stretch of the imagination could the state claim Attorney Fields did not discuss the details from the transcript with other employees within the office or the Sheriff's Office. In fact, we now know that it was spread within the office:

Fields said that he did review ex parte documents in the DeMocker case ... Fields said he thought he could recall reporting to Paupore to that some of the DeMocker records *he reviewed dealt with ex parte information dealing with cost issues*, and Paupore replied he did not want to know any ex parte information, that any information of that type needed stay in the Civil Division.

("Yavapai County Attorney's Office Investigative Report," pg. 17, italics added).

That 7/10/2009 transcript did, in fact, contain *information dealing with cost issues* -- but that was never meant to be seen by the state. The Court was aware of this, and had made specific Orders sealing the ex parte matter. Information in the 7/10/2009 Transcript included:

- 1) The Defendant's indigency status (the Defendant's financial data was discussed in detail),
- 2) The status of the real estate holdings,
- 3) The Defendant's and/or his daughters' interest in the Kennedy estate,
- 4) The divorce attorney costs,
- 5) Tax refund status,
- 6) The Defendant's debts to his family,
- 7) Debt from lines of credit and credit cards,
- 8) A complete discussion of the proposed experts, paralegals and investigators (some of which had not been disclosed), and
- 9) The Defendant's parent's financial involvement.

As mentioned in the original Motion, Attorney Fields filed motions in this case, and argued in Court on this case. It cannot be argued that his exposure to the ex parte materials did

not benefit his approach to the case.

Nevertheless, the state claimed in its Response that the Defense cannot demonstrate a violation of the 6th Amendment, nor prejudice. However, the state's reading of the 7/10/2009 Ex Parte Transcript probably had a lot to do with a new charge in the new Indictment! The state was bound by the Court Order sealing this material, and was legally bound to NOT read the 7/10/2009 Ex Parte Transcript, nor any other sealed ex parte document.

The Defense can never adequately demonstrate the depth of the prejudice which happened as a result of the state's clandestine and illegal invasion -- and the state knows it. That is why they want to concentrate solely on its declaration that there has been no violation of the 6th Amendment, nor prejudice. After reading the Jarrell Report, it is clear that the County Attorney will never voluntarily reveal the extent to which it reacted to the information illegally obtained from the state's viewing and printing sealed ex parte documents.

In fact, in the most recent pleading, the "State's Disclosure Pursuant to Court Order, dated June 15, 2011," it is clear that the County Attorney still does not want to voluntarily reveal in a plain manner exactly who supervised whom. What should have been a straight-forward list, turned into a time-intensive exercise by the Defense -- to match the information in the exhibits to the Disclosure. This should have been done by the state, which was given extra time to do so by the Defense. Instead, needless time and resources had to be expended by the Defense to attempt to glean who supervised whom, and when. The Defense Report of who supervised whom, and when -- based on the state's Disclosure and the Jarrell Report -- is attached to this Reply. There is no mention in the state's Disclosure of County Attorney Sheila Polk, who would have been a supervisor of *all* the YCAO employees mentioned in the Motion to Dismiss, Response and this Reply. Chief Deputy Dennis McGrane and Jeff Paupore were mentioned ambiguously in the

Disclosure.

At least one paralegal who had access to ex parte documents drafted responses to motions and drafted initial motions that the State filed. (See: Deb Cowell, pg. 20, *infra*). It cannot be argued that this exposure to the ex parte materials did not benefit her approach to the pleadings.

The Ethical Rules were completely ignored in the state's Response, because they have no reasonable explanation nor answers.

As for the plethora of non-attorney County Attorney employees who had unfettered access to sealed and ex parte documents, who was overseeing what those employees were doing? Some of these employees had closely worked on this case, like paralegals Rhonda Grubb, Deb Cowell and Pat Kavanaugh. These paralegals had attended numerous hearings and the previous trial in the DeMocker case. The state simply cannot claim that the paralegals who were accessing sealed, ex parte documents were not simultaneously discussing the contents of those documents with the attorneys they were working with. As proved in the Defendant's Motion to Dismiss, the state knew for a very long time -- as of Judge Lindberg's July 6, 2009 Minute Entry Order -- about the numerous ex parte motions and orders which were filed under seal and which remain under seal. Dissatisfied with the Court's Orders, the state was willing to use any means available to find out what the Defense was doing.

Oversight was absolutely required, per E.R. 5.3, but totally ignored. The head of the office and the attorneys assigned to the case are responsible for this.

3). The state's employees were NOT merely pursuing their duties.

The state introduced a red herring into its Response:

YCAO viewing and/or printing of documents is done pursuant to their duty of keeping the attorneys informed of court orders and giving notice to victims of future hearings. This would explain why the majority of accessed documents were court orders. The individuals were looking for case name, cause number and the

next scheduled hearing date. There is no evidence that the person's identified in the Clerk's reports intentionally read privileged information in any attempt to thwart Defendant's rights. The subject documents were simply marked "sealed." *There was no obvious indication that the staff understood that they were accessing privileged information.* Most of them access sealed information on a regular basis.

(Response, pg. 3, italics added).

"Additionally, *no warning is given* that a person is accessing something that is labeled "sealed."

(*Id.*, italics added).

"They did so with the belief that *if they were looking at it, then it was appropriate to see/print it.*"

(*Id.*, pg. 4, italics added).

This is, of course, not reality. First, even if the Court ignores the fact that documents that were illegally accessed were ex parte filings and clearly marked "**EX PARTE, IN CAMERA, UNDER SEAL**" on the face of the pleading, the two Clerk's Reports confirmed this fact. There is no straight-faced way for the state to maintain that "There was no obvious indication that the staff understood that they were accessing privileged information." (*Id.*, pg. 3).

There was notice to any person accessing something labeled "sealed" that it was "an obvious indication that the staff understood that they were accessing privileged information."

Finally, most of the County Attorney employees are seasoned in criminal law. It is a tall tale to claim these employees believed that if it was on their computer screen, and they looked at it, then it was appropriate to see it and print it. This excuse was predicted in the Motion to Dismiss -- which is why the "kiddie porn" example was included in the Motion to Dismiss. (see: pg. 34). Once, again, if a person in a kiddie porn case claimed that they viewed kiddie porn with the belief that if they were looking at it, then it was appropriate to see/print it, they would get a 17-24 years (on each count) in prison to think about it.

4). The state's In-house and Self-serving Investigation.

In its Response, the state said:

"The state, through Investigator Jimmy Jarrell, conducted an inquiry... ."

(Response, Pg. 2).

Naturally, Investigator Jarrell did not find any misconduct, by *anyone* at the County Attorney's Office. It is impossible to take this "investigation" seriously. Any reasonable person has to react to this ridiculous process of "self-investigation" with one conclusion: no one employed by the Yavapai County Attorney is ever going to be forthcoming with the truth in the face of the facts exposed in the Clerk's Reports.

The case has to be dismissed, or the Yavapai County Attorney has to be disqualified. And, an independent agency probably should be called upon to conduct a full-scale investigation of that office.

In the Jarrell "investigation," the following interesting details were offered:

- a) **Most of the employees claimed, virtually in unison, something to the effect that they "did not recognize any of the records listed under her/his name in Williams' addendum to the motion in question."** (See: Jarrell Report, employees: Seretha Hopper, Barbara Genego, Marie Higgins, Pam Moreton, former YCSO case agent John Mc Dormett, Kathy Durrer, Steve Page, Barb Paris, Pam Spear, Jack Fields, Tony Camacho, Kurt Olson.

However, as noted in the original Motion to Dismiss, ALL ex parte documents were clearly marked on the cover as such. Any claim that a person accessing these documents could not see this clearly marked notation is not truthful. Further, the Clerk's Reports stated unequivocally that these YCAO employees DID access and/or print ex parte documents, so merely claiming "not to have recognized" a document is a dubious claim.

- b) **Some YCAO employees did not know what "ex parte" meant.**

Seretha Hopper (employed with Yavapai County Attorney's Office since 2007),

said that she double-checks the accuracy of that information on each document, her job entailed regularly handling documents and records which were generally considered "Confidential", and "Sealed" from the general public or media, BUT did not know what "ex parte" meant, and did not remember ever seeing documents with the phrase "ex parte" on or in them.

However, even if this is true, the state has a duty to monitor and control what its employees access, and to inform them of the meaning of rudimentary legal terms, such as "filed under seal," and "ex parte." And then YCAO had a duty to instruct its employees to NOT access nor read those documents. YCAO did no such thing.

In addition, there is no plausible explanation as to why Ms. Hopper viewed sealed ex parte documents *11 times* in a nearly 9-month period, from 8/03/09 to 4/21/10. The County Attorney never reported that Ms. Hopper viewed ex parte records to anyone outside of the County Attorney, until being forced to by the Defense Motion to Dismiss.

Worse still is the fact that Ms. Hopper's supervisor was at one time Randy Schmidt, a YCAO investigator on this case! Was the information relayed to Investigator Schmidt?

c) **Sealed and/or sealed ex parte information was shared, but not reported to the Court, nor to the Defense.**

Marie Higgins, assigned as the Victim Advocate -- specifically to the DeMocker case -- forwards information to the victims which includes any information she becomes aware of through regularly viewing minute entries, motions, orders from the court, *and many other OnBase records* related to the case. Higgins said that she reviewed those documents to determine if they contain information she is required, *by law*, to give victims in the case. Higgins said that it has not been uncommon for her to receive "Filed Under Seal" documents in the DeMocker case, which she received in hard copy form as "Filed Under Seal" minute entries in sealed envelopes.

It must be noted that Ms. Higgins was not a bystander nor a office drone in this case. Ms. Higgins was a vital part of the state's team, and was in Court on this case. In its "Motion to Hold Trial in Prescott," April 21, 2011, the state described her connection to the case:

Marie Higgins has been the victim advocate and is the only

advocate victims Ruth K. and John K. have known. If the trial is held in the Verde Valley, the case will be re-assigned to a new advocate. Marie has developed an intimate and emotional bond with Ruth and John which will be broken if the trial is held in the Verde Valley. Marie has been their voice of reassurance for almost 3 years and it would be devastating for them to start over with another advocate.

Pat Kavanaugh, (YCAO Business Manager), *was a paralegal who worked on this case.* Ms. Kavanaugh was assigned to assist Attorney Joe Butner, while he was assigned as the lead prosecutor to the DeMocker case, and Chief Deputy County Attorney Dennis McGrane. Ms. Kavanaugh said that during her involvement with the DeMocker case she saw hard copies of cover sheets that bore the label, "Filed Under Seal." Ms. Kavanaugh said that, to her knowledge, if a record was "Filed Under Seal" or "Filed Ex Parte Under Seal," it shouldn't be in the OnBase database. Ms. Kavanaugh said she remembered at least one instance in the DeMocker case *in which the Clerk's Office mistakenly sent information* to YCAO, which contained minute entries referring to ex parte/in camera communication between the defense counsel and Judge Lindberg, to the YCAO.

The County Attorney, however, never reported that the Clerk's Office mistakenly sent ex parte/in camera communications to the YCAO to anyone outside of the County Attorney, until being forced to by the Defense Motion to Dismiss.

Rhonda Grubb, *paralegal on the DeMocker case*³, was involved in a great deal of research in various public and closed databases, using hard copies of documents provided by legal secretaries, and using documents e-mailed as attachments. Ms. Grubb said that she accessed the DeMocker Records on OnBase *at least twice daily*. Ms. Grubb said that she used OnBase with the assumption that if she could access a record in OnBase, she was supposed to be able to view that record. Ms. Grubb said documents were sealed at the request of DeMocker's defense attorney, e.g. documents that related to the source of the monies used to pay DeMocker's attorney's fees. Ms. Grubb remembered two records which contained a reference that they were "Filed Ex Parte", which the YCAO received from the Clerk of the Superior Court, Yavapai County. *Ms. Grubb said the records did contain a reference of their "Ex Parte" status.*

³Although the state did not specifically say so in its "State's Disclosure Pursuant to Court Order, dated June 15, 2011," the supervising attorneys for Ms. Grubb in relation to this case had to have been Mr. Butner, Mr. Paupore and Mr. McGrane, the attorneys who either filed motions in the case or were actually assigned the case. Only Carol Landis, former business manager, was listed as Grubb's supervisor. Landis was supervised by Dennis McGrane.

The County Attorney, however, never reported that the YCAO received ex parte records from the Clerk of the Superior Court to anyone outside of the County Attorney, until being forced to by the Defense Motion to Dismiss.

Deb Cowell, YCAO Paralegal since 2004, *assigned to the DeMocker case*⁴. Ms. Cowell said that *she drafted responses to motions and drafted initial motions that the state filed*. Ms. Cowell used OnBase "on virtually a daily basis" to conduct research on the DeMocker case. Ms. Cowell said that she had "access to records related to DeMocker on a regular and constant basis."

Ms. Cowell looked at the list of documents associated with her name in the and said *it would be normal for her to view, or view and print, documents like those during her research for the DeMocker case*.

Ms. Cowell said that she had seen a cover sheet labeled "Filed Under Seal" (as was included in the addendum to the Defense Motion to Dismiss) *many times*, but did not know if she had seen it in OnBase.

Ms. Cowell admitted that she did see records in OnBase, and that she was surprised she was able to access, *particularly 15.9-related records* wherein DeMocker applied to the court for state funds to pay for expert witnesses. Cowell said that the records she saw that fit that category were filed in OnBase only as a typical motion, and bore no cover sheet, title or label indicating it was an ex parte record.

However, Cowell said the YCAO "...knew..." DeMocker was "...going to go that direction..." because DeMocker, in an open hearing, requested a "15.9" hearing. She said that, to her recollection and understanding, that particular hearing would have allowed DeMocker to tell the judge, "...my client is underfunded, we need this money, so please give it to him."

Cowell said that she thought she also remembered seeing a DeMocker-related minute entry in OnBase that referred to an ex parte hearing, although Cowell said that, because of its appearance as a typical minute entry/court synopsis of a proceeding, she did not recognize it as ex parte information until she had opened it and printed it as a working copy of case paperwork.

⁴Although the state did not specifically say so in its "State's Disclosure Pursuant to Court Order, dated June 15, 2011," the supervising attorneys for Ms. Cowell in relation to this case had to have been Mr. Butner, Mr. Paupore and Mr. McGrane, the attorneys who either filed motions in the case or were actually assigned the case. Only Carol Landis, former business manager, was listed as Grubb's supervisor. Landis was supervised by Dennis McGrane.

Ms. Cowell said that no other case she has ever worked on ever generated the numbers of documents which were "Filed Under Seal" or "Filed Ex Parte Under Seal" that the DeMocker case had.

Ms. Cowell said her common practice was to open and read the first page of a document to determine if it was a record she had already viewed and printed, or if it was document that she needed to print for reference and research. Ms. Cowell printed a record related to DeMocker's 15.9 request re: funds for a paralegal or expert witnesses as part of a group printing of several documents, not knowing what the content of the document was until later. Later, because Ms. Cowell could see the documents were privileged information, **she shredded those documents.**

Reports containing privileged information that were printed were subsequently shredded!

But, who had looked at them and/or copied them? Exactly which documents were shredded?

There is no possible way for the assigned paralegal to this case to claim that she did not know the documents were ex parte. And, although Ms. Cowell explained at length how she had informed the Clerk's Office of "mis-filed" documents in the past, the County Attorney never reported the viewed and/or printed ex parte/in camera communications to the YCAO to anyone outside of the County Attorney, until forced to by the Defense Motion to Dismiss.

Tony Camacho, Yavapai County Attorney's Victim Witness Services since 2007. The state did not identify a specific supervisor of Mr. Camacho. The presumption would then necessarily be Mr. Butner, Mr. Paupore and Mr. McGrane, the attorneys who either filed motions in the case or were actually assigned the case.

Mr. Camacho has two computer monitors, which allowed him to view a minute entry on one monitor, and view/modify/compose his letter on his second monitor. He said pertinent information may not be readily recognizable or visible, and *so he reads the entire document*. He said he did not understand how anyone could have viewed documents they were prohibited from viewing *unless the Court Clerk's Office mistakenly included them* in accessible documents when they shouldn't have.

Mr. Camacho said that victim records related to the DeMocker case had special instructions that, at times, all minute entries related to the case were to be printed out and forwarded to the assigned Victim Advocate, Marie Higgins for notification of victims.

Mr. Camacho said he feels there may sometimes be a problem with new clerks at the Court Clerk's Office who are in training, scanning documents, during which

they may not properly "click" or "un-click" the "Restricted" classification of a document to allow proper access to representatives in Victim Services who legally need access. Mr. Camacho claimed that sometimes new clerks in training make mistakes related the scanning and categorization of court records.

None of this explains how or why Mr. Camacho viewed sealed ex parte documents *six times* in a nearly 9-month period, from 07/21/09 to 04/28/10. The YCAO did nothing to alert anyone of these repeated violations of the Court's Orders.

Paula Glover, worked in the Victim Service Division from 2003-2010. The state identified Pam Moreton as the supervisor of Ms. Glover. *However, Pam Moreton's supervisor was at one time Dennis McGrane.* Ms. Glover regularly dealt with all types of confidential information related to cases she was assigned.

She specifically remembered handling DeMocker records and making notifications related to the DeMocker case. Ms. Glover claimed that she has never seen any cover sheets bearing the labels "Filed Under Seal," or "Filed Ex Parte Under Seal", either in electronic form in OnBase or in hard-copy form.

None of this explains how or why *Ms. Glover viewed sealed ex parte documents 11 times* in a nearly 9-month period, from 8/03/09 to 4/28/10. The YCAO did nothing to alert anyone of these repeated violations of the Court's Orders.

- d) **Most of the employees claimed, virtually in unison, something to the effect that "at no time were the employees directed" to look at ex parte documents.**

In the Jarrell Report, the following employees said this: Seretha Hopper, Pam Moreton, Pam Spear, Sean Paul, Pam Kavanaugh, Kathy Durrer, Jack Fields, Deb Cowell, Tony Camacho, Kurt Olson, Steve Page, YCSO Case Agent Det. John McDormett.

This is, of course, plausible deniability.

- 5) **There is NO Justification for the state's Violations of Court Orders.**

As stated above, the state blamed everybody else (the Clerk, the Judge, MIS, the Defense), when not employing plausible deniability. The favorite targets of the state's vitriol is

Judge Lindberg and the Defense. This Reply hereby incorporates the 10.1 discussion and proof⁵ that the state knew about ex parte hearings in July 6, 2009, in the original Motion to Dismiss (see; pgs. 6-9). In its Response, the state opined:

Never in the history of prosecution in this county have so many ex parte pleadings been filed. There was never any reason in the past to worry about this situation. Additionally, had Defendant actually followed the proper procedures under Rule 15.9 (see below), then there would have been some kind of notice, perhaps, that something was going wrong. However, as Defendant did not follow the Rule, it appeared as if everything was going per usual in a criminal case. *Unbeknownst to YCAO, Defendant and the original Court were not "playing by the rules."* Now Defendant has the *audacity* to ask this Court to punish the State for discovering, accidentally as it might be, his wrongdoing, even though Defendant suffered no prejudice.

(Response, Pg. 4, italics added).

"Audacity" is an interesting word choice for the state, given the fact that they are misstating the facts. As the Defense has pointed out numerous times, there was no "unbeknownst to YCAO" concerning the existence of sealed ex parte hearings and documents. (See: pg. 7, *supra*; Motion to Dismiss, pgs. 2-9). The state cannot get actual notice of an ex parte hearing and Order, then subsequently spy on sealed ex parte materials 60 times over the next two years -- using OnBase -- and still use phrases like "unbeknownst to YCAO."

That, is audacity.

⁵On December 3, 2010, the state confirmed this in its "State's Motion for Change of Judge" (hereinafter "10.1 Motion"). On page 2 of its 10.1 Motion, the state wrote:

On July 6, 2009, Defendant filed a "Motion to File Rule 15.9 Applications Ex Parte, in Camera, and Under Seal and for an Expedited Ex Parte, in Camera, Under Seal Hearing." Defendant requested that a hearing be held on or before July 21, 2009. (Exhibit B) *The Motion was provided to the State and sealed by Judge Lindberg on July 6, 2009*, the same date it was filed. (Exhibit C) Without prior notice to the State or the Victims, on July 10, 2009 an ex parte hearing was held with Defendant and defense counsel John Sears and Larry Hammond. (Exhibit D). The State received a copy of this minute entry after the hearing was held.

The state had a choice: special action. They did not file a special action. They chose instead to illegally view sealed ex-parte documents, in direct violation of Court Orders.

Conclusion

It is interesting that the state again brought out the Morehart⁶ decision for this proposition: *The state had no choice* but to illegally invade sealed ex parte documents, because of all that sneaking around by the Defense and Judge Lindberg. This is nothing but a Bizarro-World justification defense.

However, as noted in the original Motion, the state had already cried foul in 2009 because Judge Lindberg conducted an ex parte hearing "without proper notice *to the victims*," the proper avenue for the state was to file a special action, as the Maricopa County Attorney did in the original Morehart v. Barton, 225 Ariz. 269, 270, 236 P.3d 1216, 1217 (Ariz.App. Div. 1,2010)

But, the state chose not to file a special action.

In its Response, the state complained, yet again, that the proper procedure was not used regarding Rule 15.9 applications/motions.

This is nonsense, of course. The state did have notice of the ex parte hearings, in part because they were spying on the sealed ex parte documents virtually the whole time. The state was required to seek relief at the Court of Appeals, but did not. The state could not seek relief at the Court of Appeals, because at some point they were going to have to explain to the Court of Appeals **the fact** that they got caught illegally invading, viewing and printing the ex parte documents a total of 60 times, and, but for Judge Mackey's Order with the Clerk's Reports attached, *none of this would have ever been known!*

An important reason that this case must be dismissed with prejudice is that this Court

⁶Morehart v. Barton, --- P.3d ----, 2011 WL 1599648 (Ariz.,2011).

must impress on the Yavapai County Attorney that a Court Order **must be obeyed!**

The state complained that the Defense had been "vitriolic" in the original Motion to Dismiss. "Vitriol" is defined as "bitterly abusive feeling or expression."⁷ The state's allegation that the Motion to Dismiss was "vitriolic" is not a true statement of fact. It is not vitriol to emphatically point out the facts, which were based on the of Clerk's Reports, which were disclosed by the Yavapai County Presiding Judge. It is not vitriol to emphatically point out the facts, and to advocate for Mr. DeMocker, it is the Defense's *duty*.

What has been uncovered in this case should shake any reasonably prudent person's faith in the "justice" system. At this point, no one can have faith in the Defendant's ability to receive a fair trial with the Yavapai County Attorney involved. At this point, no one can have faith that the Yavapai County Attorney is concerned with society's interest in the administration of criminal justice.

Powerful facts remain intact after years of investigation. The state cannot place the Defendant at the scene of the crime: No DNA, no blood, no fingerprints or other biological evidence, and no confession. Importantly, these facts will never change – no new evidence will surface that could place the Defendant at the scene of the crime – because he was not there and did not murder Carol Kennedy.

At the very least a different prosecutor's office should be assigned the case, in an attempt to obviate the taint created by the Yavapai County Attorney, which now permeates the case.

A court has the inherent power to sanction a party or its lawyers if it acts in "willful disobedience of a court order ... or when the losing party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons," as well as for "willful[] abuse [of the] judicial processes."

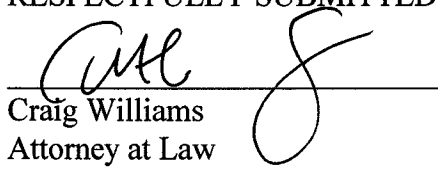
⁷The American Heritage Dictionary, 4th Edition, 2006.

Gomez v. Vernon 255 F.3d 1118, 1133 -1134 (C.A.9 Wash. 2001).

For the above-stated reasons, and the appearance of impropriety, the Defendant is asking the Court to DISMISS THE CASE WITH PREJUDICE. In the alternative, the Court should DISQUALIFY the Yavapai County Attorney from the Defendant's pending case.

Finally, should this Court require an evidentiary hearing on the issues raised in the Motion to Dismiss, then the Defense requests **three full days of hearings**. In addition, the Defense will be seeking subpoenas for each YCAO employee mentioned in the Motion to Dismiss, the Response, this Reply, the Jarrell Report, and the Clerk's Reports, in order to ensure their testimony at the evidentiary hearing.

RESPECTFULLY SUBMITTED this July 1, 2011.



Craig Williams
Attorney at Law


A copy of the foregoing delivered to:
Hon. Warren Darrow, Division PTB, Hon. David Mackey, Yavapai County Presiding Judge
Jeff Paupore, Steve Young, Yavapai County Attorney's Office
The Defendant
Greg Parzych, via e-mailed .pdf
by:  _____

Exhibit A

Employee	When and What	Position and Supervisor
Carol Landis (sealed)	11/20/08-8/24/09 Grand Jury transcripts	YCAO Business Manager supervised by Chief Deputy Dennis McGrane. Her husband, Jim Landis, worked part-time in the charging unit at the time.
Pat Kavanaugh (sealed)	7/13/10-11/1/10 viewed Objection: Objection (to State's Late Disclosure)	7/2008-1/2011 Paralegal for Prescott criminal division which includes Chief Deputy Dennis McGrane, Jeff Paupore and Joe Butner. Ms. Kavanaugh became business Manager in 3/2011, but, according to the May 26, 2011 Jarrell Report, Ms. Kavanaugh became Business Manager in 2/2011. In addition, <i>Ms. Kavanaugh was the assigned paralegal for Attorney Joe Butner when he was lead prosecutor assigned to case.</i>
Pam Moreton (sealed)	5/12/10-10/10/10 viewed jury messages	Victim Services Coordinator since 7/2008. Brief direct supervision by Chief Deputy Dennis McGrane
Pam Moreton (ex parte)	5/14/10-10/9/10 viewed Minute Entry: Sealed Minute Entry	See above description.
Seretha Hopper (Sealed)	1) 8/5/09-10/15/09-printed Order (for rule 15.9) 2) 8/20/09 printed Order: Amending (15.9) 3) 8/24/09 viewed Order: Amending (15.9) 4) 9/4/09-9/16/09 printed Order (for Rule 15.9 appt.) 5) 12/18/09 viewed Order: Appt	7/2008 Legal clerk supervised by Carol Landis (see above) 3/2011 became a Legal Secretary supervised by <i>Randy Schmidt, "Investigator Supervisor," and an investigator on this case.</i> According to the May 26,

	<p>(Rule 15.9)</p> <p>6) 1/14/10-1/15/10 printed Order: Appt (Rule 15.9)</p> <p>7) 1/14/10-1/15/10 printed Order: Appt (Rule 15.9)</p> <p>8) 1/14/10-1/15/10 printed Order: Appt (Rule 15.9)</p> <p>9) 2/22/10 printed Order: Order (Rule 15.9)</p> <p>10) 4/22/10 Order: Order (for Rule 15.9)</p> <p>11) 8/6/10 viewed Order: Sealing Document</p> <p>12) 10/9/10 printed Order: Granting (request to unseal documents)</p> <p>13) 9/24/10-10/9/10 printed Order: Sealing Documents</p>	<p>2011 Jarrell Report, Ms. Hopper was a legal clerk in the Prescott Office which includes Attorneys Dennis McGrane, Jeff Paupore and Joe Butner (March 2008, and on this case).</p>
Seretha Hopper (Ex Parte)	<p>1) 8/5/09-10/15/09 viewed Order (for Rule 15.9)</p> <p>2) 8/12/09 printed Order Granting Ex Parte Mot</p> <p>3) 8/20/09 printed Order: Amending (15.9 appt)</p> <p>4) 8/24/09 printed Order: Amending (15.9 appointment)</p> <p>5) 9/4/09-9/16/09 printed Order (for Rule 15.9)</p> <p>6) 12/18/09 viewed Order: Appt (Rule 15.9)</p> <p>7) 1/14/10-1/15/10 printed Order: Appt (Rule 15.9)</p> <p>8) 1/14/10-1/15/10 printed Order: Appt (Rule 15.9)</p> <p>9) 1/14/10-1/15/10 printed Order: Appointing (Rule 15.9)</p> <p>10) 2/22/10 printed Order: Order (Rule 15.9)</p> <p>11) 4/22/10 printer Order: Order (for Rule 15.9)</p>	<p>See above description.</p>

Barbara Genego (sealed)	1) 3/29/10 printed Order: Appointing 2) 9/29/10-10/9/10 printed Order: Under Advisement Ruling (Mtn to withdraw) 3) 9/24/10-10/9/10 printed Order: Sealing Documents	2008 to present, Legal Clerk for the Prescott Criminal Division which included Chief Deputy Dennis McGrane, attorneys Jeff Paupore and Joe Butner. According to the May 26, 2011 Jarrell Report, Ms. Genego's job was to direct information that came into the office to the appropriate attorney which includes OnBase information.
Barbara Genego (ex parte)	1) 3/29/10 printed Order: Appointing 2) 4/30/10-10/10/10 printed Order: Order (for Rule 15.9)	See above description.
Marie Higgins (sealed)	1) 7/13/10-11/1/10 viewed Objection: Objection (to State's late disclosure) 2) 10/15/10 Motion: Reconsideration (motion with withdraw) 3) 9/24/10-10/9/10 viewed Order: Sealing Documents	Victim services advocate for the DeMocker case (was allowed at closed hearings)
Marie Higgins (Ex Parte)	-10/8/09-10/20/09 viewed Motion (for Rule 15.9) -11/16/09-1/14/10 viewed Application: Revised Application Revised Rule 15.9 appt.	See above description.

Pam Spear (sealed)	<p>-2/22/10 printed Order: Order (Rule 15.9)</p> <p>-7/7/10 viewed jury message</p> <p>-8/23/10-10/10/10 printed Order: Under Advisement Ruling</p> <p>-8/23/10-10/10/10 printed Order: Under Advisement Ruling</p> <p>-8/23/10-10/10/10 printed Order: Under Advisement Ruling</p> <p>-8/23/10-10/10/10 printed Order: Under Advisement Ruling</p> <p>-9/9/10-10/9/10 printed Order: granting request to unseal</p>	<p>Legal Clerk for Verde Valley trial group which includes Attorneys Joe Butner and Steve Young. Ms. Spear was supervised by Angie Bowers. Angie Bowers at one time was supervised by Jeff Paupore.</p>
Pam Spear (ex Parte)	<p>-2/22/10 printed Order: Order (Rule 15.9)</p> <p>-7/7/10 viewed Reply: Reply (to supplemental request re: sanctions)</p>	<p>See above description.</p>
Barb Paris (sealed)	<p>1) 11/20/08-8/24/09 viewed transcript of Grand Jury</p> <p>2) 8/5/09-10/15/09 viewed Order (for Rule 15.9)</p> <p>3) 9/4/09-9/16/09 viewed Order (for Rule 153.9 appt)</p> <p>4) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9)</p> <p>5) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9)</p> <p>6) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9)</p> <p>7) 3/29/10 viewed Reply: Reply (in Support of Motion to Preclude)</p> <p>8) 3/29/10 viewed Order: Appointing</p> <p>9) 4/30/10-10/10/10 viewed Order: Order (for Rule 15.9)</p> <p>10) 5/12/10-10/9/10 viewed jury message</p>	<p>Victim Services from July 2008-2010 (unknown end date). Then became a Secretary for the Prescott trial group which includes Attorneys Dennis McGrane, Jeff Paupore and Joe Butner. Ms. Paris was supervised by Peggy Wagner. Peggy Wagner was supervised at one time by Jeff Paupore.</p>

Barb Paris (ex parte)	<p>-9/14/09 viewed Motion (for Rule 15.9)</p> <p>-9/4/09-9/16/09 viewed Order (for Rule 15.9)</p> <p>-1/13/10 viewed Order: Denying (Motion for reconsideration)</p> <p>-1/14/10-1/15/10 viewed Order: Appt (Rule 15.9)</p> <p>-1/14/10-1/15/10 viewed Order: Appointing (Rule 15.9)</p> <p>-1/14/10-1/15/10 viewed Order: Appt (Rule 15.9)</p> <p>-3/29/10 viewed Order: Appt</p> <p>-4/30/10-10/10/10 viewed Order: Order (for Rule 15.9)</p>	See above description.
Rhonda Grubb (sealed)	<p>1) 7/13/10-11/1/10 viewed and printed Objection: Objection (to State's late disclosure)</p> <p>2) 9/24/10-10/9/10 viewed Order: Sealing Document</p>	<p>According to State's Disclosure Pursuant to Court Order Dated June 15, 2011, in January 2010 Ms. Grubb became the full time paralegal for DeMocker case. With Carol Landis as supervisor. Exhibit A shows Ms. Grubb assigned to Jeff Paupore and Joe Butner on March 2011</p>
Kathy Durrer (sealed)	<p>9/4/09-9/16/09 viewed Order (for Rule 15.9 appt)</p>	<p>-According to State's Disclosure Pursuant to Court Order Dated June 15, 2011, Durrer is a paralegal assigned to Wolfinger, Schiff and Blake at that time this document was viewed. Exhibit A does not confirm that she assisted during trial. Ms. Durrer was assigned to Butner when this case began.</p> <p>-According to the May 26, 2011 Jarrell Report Report Ms. Durrer was the paralegal for the trial team division,</p>

		and had limited involvement in this case.
Kathy Durrer (ex parte)	9/4/09-9/16/09 viewed Order: (For Rule 15.9)	See above description.
Deb Cowell (sealed)	7/13/10-11/1/10 viewed Objection: Objection (to State's late disclosure)	According to State's Disclosure Pursuant to Court Order Dated June 15, 2011, Ms. Cowell was the Original Paralegal assigned to case, under Attorney Mark Ainley and then Attorney Joe Butner and Jeff Paupore. Exhibit A does not confirm assignment to Attorney Butner. According to Exhibit A Ms. Cowell was assigned to Attorneys Hammond, Johnson and English when documents were viewed. -According to the May 26, 2011 Jarrell Report Report from 7/2008 to present Ms. Cowell is the paralegal on this case. She has drafted response to motions.
Deb Cowell (ex parte)	1)10/8/09-10/20/09 viewed and printed Motion (for Rule 15.9) 2) 11/16/09-1/14/10 viewed Application: revised Application-Revised-Rule 15.9 Appointment 3) 12/15/09 printed Motion: Motion (for Rule 15.9)	See above description.
Tony Comacho (sealed)	1) 8/5/09-10/15/09 viewed Order (for Rule 15.9) 2) 8/24/09 viewed Order: Amending (15.9) 3) 9/4/09-9/16/09 viewed Order (for Rule 15.9 appt)	According to State's Disclosure Pursuant to Court Order Dated June 15, 2011, Worked for Victim Services and was supervised by Pam Moreton.

	<p>4) 2/22/10 viewed Order: Order (Rule 1539)</p> <p>5) viewed Motion: Exclude/Preclude (evidence)</p> <p>6) 4/3/10-10/10/10 viewed Order: Order (for Rule 15.9)</p> <p>7) 5/1/10 viewed jury message</p> <p>8) 5/1/10 viewed jury message</p> <p>9) 5/1/10 viewed jury message</p> <p>10) 5/1/10 viewed jury message</p> <p>11) 5/12/10 viewed jury message</p> <p>12) 8/18/10 viewed Motion: Protective Order</p> <p>13) 8/23/10-10/10/10 viewed Order: Under Advisement Ruling</p> <p>14) 8/23/10-10/10/10 viewed Order: Under Advisement Ruling-state's motion</p> <p>15) 8/23/10-10/10/10 viewed Order: Under Advisement Ruling-state's motion for sanctions</p> <p>16) 8/23/10-10/10/10 viewed Order Under Advisement Ruling- state's motion</p> <p>17) 9/9/10-10/9/10 viewed Order: Granting (Request to unseal documents)</p> <p>18) viewed Order: Court Order/Ruling (obj to Judge L ruling moot)</p>	
Tony Comacho (ex parte)	<p>1) 8/11/09 viewed Motion (for 15.9)</p> <p>2) 8/5/09-10/15/09 viewed Order (for Rule 15.9)</p> <p>3) 8/24/09 viewed Order: Amending (15.9 appt)</p> <p>4) 1/14/10 viewed Order (for Rule 15.9)</p> <p>5) 2/22/10 viewed Order: Oder (Rule 15.9)</p>	See above description.

	6) 4/30/10-10/10/10 Order: Order (for Rule 15.9)	
Kurt Olsen (sealed)	1) 8/5/09-10/15/09 viewed Order (for Rule 15.9) 2) 7/13/10-11/1/10 viewed Objection: Objection (to State's late disclosure)	According to State's Disclosure Pursuant to Court Order Dated June 15, 2011, Worked for Victim Services 4/2010 was assigned to Democker for audio visual assistance. Mr. Olsen was supervised by Pam Moreton.
Paula Glover (sealed)	1) 11/20/08-1/22/09 viewed Grand Jury Minutes 2) 11/20/08-8/24/09 viewed GJ transcripts 3) 8/5/09-10/15/09 viewed Order for Rule 15.9) 4) 8/24/09 printed Order: Amending (15.9) 5) 9/4/09-9/16/09 printed Order (for Rule 15.9 appt) 6) 11/17/09 viewed Order: Order (15.9 appt) 7) 12/18/09 viewed Order: Appt (Rule 15.9) 8) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9) 9) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9) 10) 1/14/10-1/15/10 viewed Order: Appt (Rule 15.9) 11) 3/29/10 viewed Order: appt 12) 4/22/10 viewed Order: Order (for Rule 15.9) 13) 4/30/10-10/10/10 viewed Order: Order (for Rule 15.9) 14) 9/24/10-10/9/10 viewed Order: Sealing Documents	-According to State's Disclosure Pursuant to Court Order Dated June 15, 2011 Worked victim services 7/2008-3/2011 then became secretary for Lindo. Ms. Glover was supervised by Peggy Wager. Peggy Wagner was supervised by Jeff Paupore. -According to the May 26, 2011 Jarrell Report Report Ms. Glover was assigned as a notification advocate in victim services
Paula Glover (ex parte)	1) 8/5/09-10/15/09 viewed Motion (for 15.9) 2) 8/12/09 viewed Order	See above description.

	<p>Granting Ex Parte</p> <p>3) 8/24/09 printed Order: Amending (15.9 appt)</p> <p>4) 9/4/09-9/16/09 printed Order (for Rule 15.9)</p> <p>5) 11/17/09 viewed Order: Order (15.9)</p> <p>6) 12/18/09 Order: Order: Appt (Rule 15.9)</p> <p>7) 1/14/10-1/15/10 viewed Order: appt (Rule 15.9)</p> <p>8) 1/14/10-1/15/10 viewed Order: appt (Rule 15.9)</p> <p>9) 1/14/10-1/15/10 viewed Order: appt (Rule 15.9)</p> <p>10) 3/29/10 viewed Order: Appt</p> <p>11) 4/22/10 Order: Order (for Rule 15.9)</p> <p>12) 4/30/10-10/10/10 viewed Order: Order (for Rule 15.9)</p>	
Sean Paul (sealed)	<p>7/13/10-11/1/10 viewed Objection: Objection (to State's late disclosure)</p>	<p>According the State's Disclosure Pursuant to Court Order Dated June 15, 2011, Mr. Paul was the assigned secretary for Butner on 12/15/08-1/26/09, and then Ainley on 1/26/09-9/28/09. After that Mr. Paul was assigned to non-case attorneys.</p> <p>According to the May 26, 2011 Jarrell Report Mr. Paul worked as the main secretary for this case under attorneys Mark Ainley, Bill Hughes and Joe Butner.</p>